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June 22, 1995

**RECEIVED**

**JUN 22 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

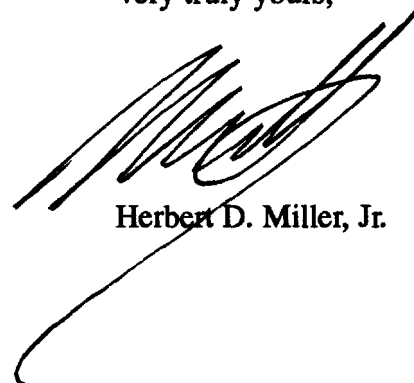
**DOCKET FILE COPY ORIGINAL**

Dear Mr. Caton:

Transmitted herewith, on behalf of McKenzie River Broadcasting Co., are its Comments in RM-8613, a proposal to amend Section 73.202(b) of the Commission's Rules (Table of Allotments) to allot FM Channel 265A to Eugene, Oregon.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,



Herbert D. Miller, Jr.

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BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

ORIGINAL

In the matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations

Eugene, Oregon.

RECEIVED PM 8613

JUN 22 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**COMMENTS**

DOCKET FILE COPY ORIGINAL

McKenzie River Broadcasting Co., the licensee of radio station KMGE(FM), in Eugene, Oregon, files herewith, by its attorneys, its Comments in the above captioned matter.

According to the Notice of Proposed Rule Making,

"Channel 265A can be allotted to Eugene in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.1 kilometers (4.4 miles) southeast to avoid a short-spacing to the pending application (BPH-940708IZ) of Station KZUS, Channel 264C2, Toledo, Oregon." (DA 95-883).

However, as demonstrated by the attached Engineering Statement, the proposed allocation of FM Channel 265A to Eugene, Oregon, with the proposed site restriction, would be substandard because there would be no line-of-sight coverage to nearly eighty percent of the proposed community of license, Eugene, Oregon, and substantial portions of Eugene would not receive city grade service as required by Section 73.315(a) of the Commission's Rules. As the attached Engineering Statement also points out, the requirement that "in no event should there be a major obstruction in" the line of sight path from the proposed transmitter location and the proposed community of license (Section 73.315(b)) could not be met, since terrain obstructions, extending 200 - 300 meters above ground level, intervene.

The Petition for Rule Making filed by Conway Broadcasting (Conway) on February 28, 1995 makes no reference to the line of sight problem or to the inability of the proposed facility to put the

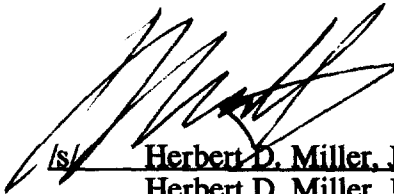
JUNE 22, 1995

requisite city grade signal over all of Eugene, stating merely that the "proposal is in full compliance with the FCC rules at 47 CFR 73.207." (Conway Petition, p. 1)<sup>1</sup>

It is, therefore, requested that the proposed allotment not be made. See *Amendment of Section 73.303(b), Table of Allotments FM Broadcast Stations (Creswell, Oregon)*, 67 RR 2d 56 (Chief, Policy and Rules Division, 1989).

Respectfully submitted,

**McKenzie River Broadcasting Co.**

By  /s/ Herbert D. Miller, Jr.  
Herbert D. Miller, Jr.

KOTEN & NAFTALIN  
SUITE 1000  
1150 CONNECTICUT AVENUE, N. W.  
WASHINGTON, D. C. 20036

*Its attorneys*

June 22, 1995

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<sup>1</sup> According to the Conway Petition, "Conway Broadcasting is in the business of building and operating radio stations and desires to provide an additional local service to Billings and the surrounding area." (Conway Petition, p. 1). The *Rand-McNally Commercial Atlas* mentions no place by the name of Billings in the State of Oregon. The Billings reference is, most likely, a carry-over from another Conway petition, either the petition seeking the allotment of Channel 242C1 (Docket No. 95-65) to Billings, MT or the petition seeking allotment of Channel 298C (Docket No. 95-36) to Billings, MT. Other pending Conway petition include Docket No. 95-30, to allot Channel 264C3 to Harwood, ND and Docket No. 95-34, to allot Channel 222C to Rapid City, SD, as well as the present Eugene, Oregon proposal. Recently adopted changes to the Table of Allotments made at the request of Conway include allotment of Channel 239C3 to Dell Rapids, SD (DA 95-308, released April 24, 1995) and allotment of Channel 292C to Rapid City, SD (10 FCC Rcd 3876). With six pending, and two recently made, changes to the Table of Allotments, all at the request of Conway, one must at least question Conway's stated intentions to apply for construction permits and, if granted, to construct each facility as proposed.

## Certificate of Service

I, Joann Leath, a secretary in the law firm of Koteen & Naftalin, hereby certify that I have this date sent copies of the foregoing to the following by First Class United States Mail, postage prepaid:

Lars Conway  
Conway Broadcasting  
4415 Fremont Avenue, South  
Minneapolis, MN 55409

  
/s/ Joann Leath  
Joann Leath

June 22, 1995

June 16, 1995

**ENGINEERING STATEMENT REGARDING THE NOTICE OF PROPOSED  
RULEMAKING MM DOCKET No. 95-53, May 1, 1995**

In the technical summary published by the Commission in this proposed rulemaking, it is stated that due to the minimum distance separation requirements, a site restriction of 7.1 kilometers southeast of Eugene is required. The Commissions proposed coordinates were 44° 00' 52" and 123° 00' 50".

This location will not and cannot meet the requirements of CFR 73.315(a). Due to the interleaving terrain, it would be impossible to deliver a 70dbu signal over the entire principal community of Eugene, Oregon. In CFR 73.315(b) it states that the antenna location shall be chosen so that line-of-sight can be obtained from the antenna over the principal city to be served. Again, this site location chosen by the Commission will never meet these rules.

Enclosed within these comments is Exhibit "A". This exhibit shows the effects of the terrain on the signal from this location. Note that there will no line-of-sight coverage to near 80 percent of the Eugene community. It should be noted that these terrain obstructions, are 200 to 300 meters above the ground level of the proposed site. The distance of these obstructions from the site would require any applicant for this frequency to construct a 1000 meter structure just to have line-of-sight to the downtown area. There would still be significant areas of population within the city limits that would lack a 70dbu, "city grade" signal.

In addition, the site cannot be moved from the proposed location to avoid the terrain restrictions due to short spacing of three other facilities. These are as follows:

1. Channel 264C2, Toledo, Oregon. (KZUS-FM) Due existence of this facility, the site cannot be moved to the West to serve the Eugene, Oregon community.
2. Channel 266C, Portland, Oregon. (KUFO-FM) Due to the existence of this facility, the site cannot be moved North to serve the Eugene, Oregon community.
3. Channel 263A, Cottage Grove, Oregon. Due to the existence of this facility, the site cannot be moved to the South.
4. Moving the site East will not solve the terrain problem.

The Commission should not allocate channel 265A, as the fifth local service to Eugene, Oregon.

The forgoing comments are being filed by  
Chris Reid Murray, Owner of  
Broadcast Engineering Services,  
1765 West 17th Avenue,  
Eugene, Oregon, 97402.

As a consulting engineer, I represent a  
variety of clients in the Western Oregon Area.  
Since 1986, I have filed numerous applications  
with the commission.

As a resident of the area, employed in the  
broadcasting field in the Eugene community, I am  
very familiar with the topography of the area,  
and am very aware of the effects of that  
topography on the propagation of FM broadcast  
transmissions.

I have made these comments in good faith  
and are accurate and true to the best of my  
technical ability.

A handwritten signature in black ink, reading "Chris Reid Murray". The signature is fluid and cursive, with the first name "Chris" being more prominent and the last name "Murray" written in a continuous script.

Chris Reid Murray  
Phone: 503-343-6861  
Fax: 503-344-9424

# **EXHIBIT "A"**

**June 16, 1995**

**In this exhibit, documentation is provided that clearly shows the effects of terrain interference to the commission's proposed site location.**

- A-1 The "Eugene East" 7.5 minute map showing the radials on which the profile graphs were drawn.**
- A-2 Profile graphs for the azimuths of 255, 270, 285, 300, 315, and 330 degrees. The graphs were assuming that the applicant would use a tower structure that would result in an average height above the terrain of 100 Meters. Note that only the 330 Degree radial would provide line of sight coverage into the city limits.**
- A-3 This graph is to show the limitations of the allocation due to the short spacing requirement of the rules.**

# SPRINGFIELD

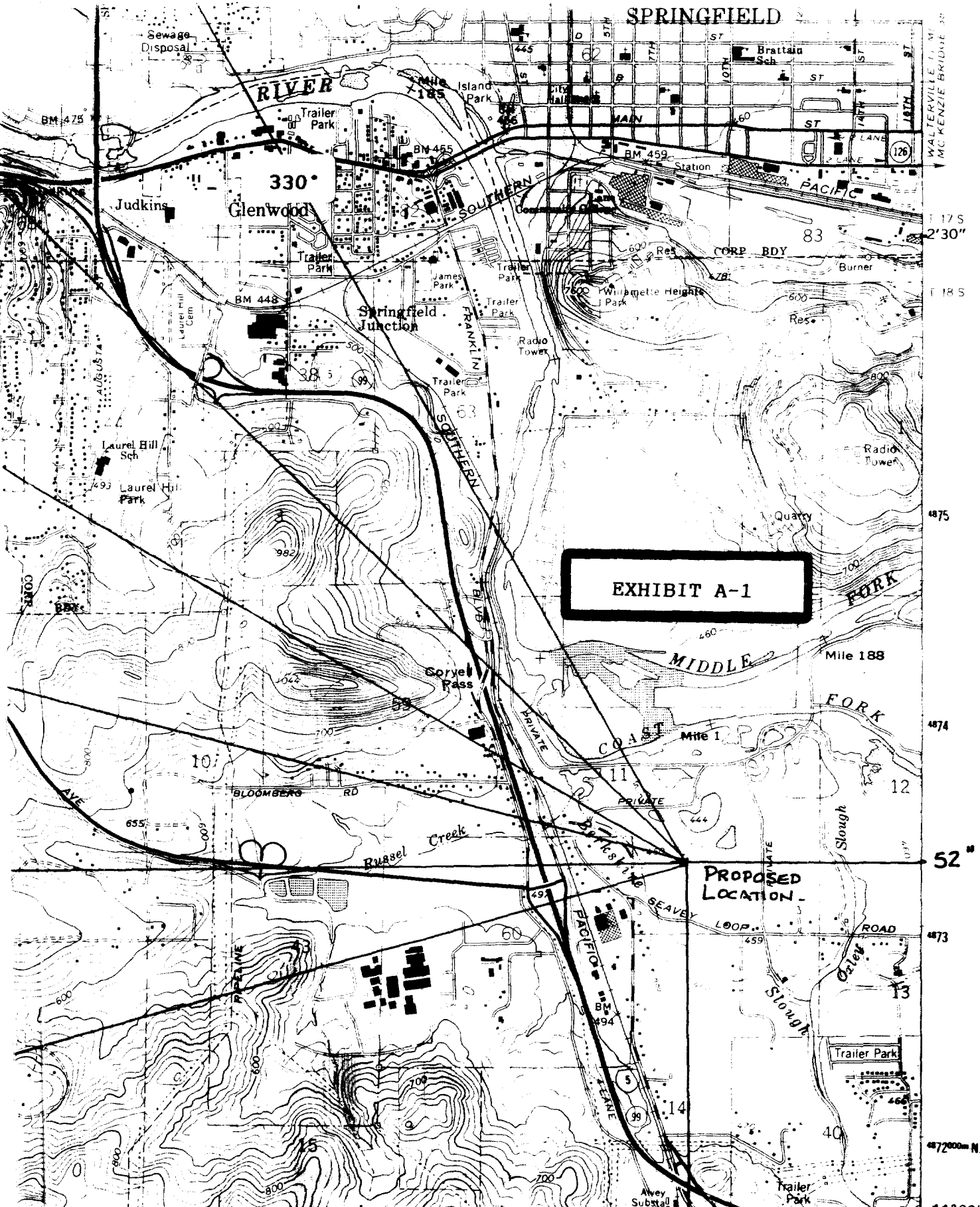
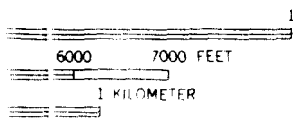


EXHIBIT A-1

PROPOSED LOCATION



INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1987  
CRESWELL INTERCHANGE 6 MI  
COTTAGE GROVE 15 MI

## ROAD CLASSIFICATION

- |                  |                 |
|------------------|-----------------|
| Heavy-duty       | Light-duty      |
| Medium-duty      | Unimproved dirt |
| Interstate Route | U S Route       |
|                  | State Route     |

(LOW 121 N)



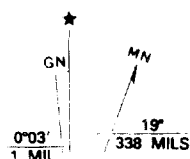


ted. and published by the Geological Survey

GS, NOS/NOAA, and State of Oregon

y photogrammetric methods from aerial  
taken 1965. Field checked 1967

ject on. 1927 North American datum  
grid based on Oregon coordinate system.



SCALE 1:24 000

CONTOUR INTERVAL 20 FEET

SOLID LINES REPRESENT 5 FOOT CONTOUR

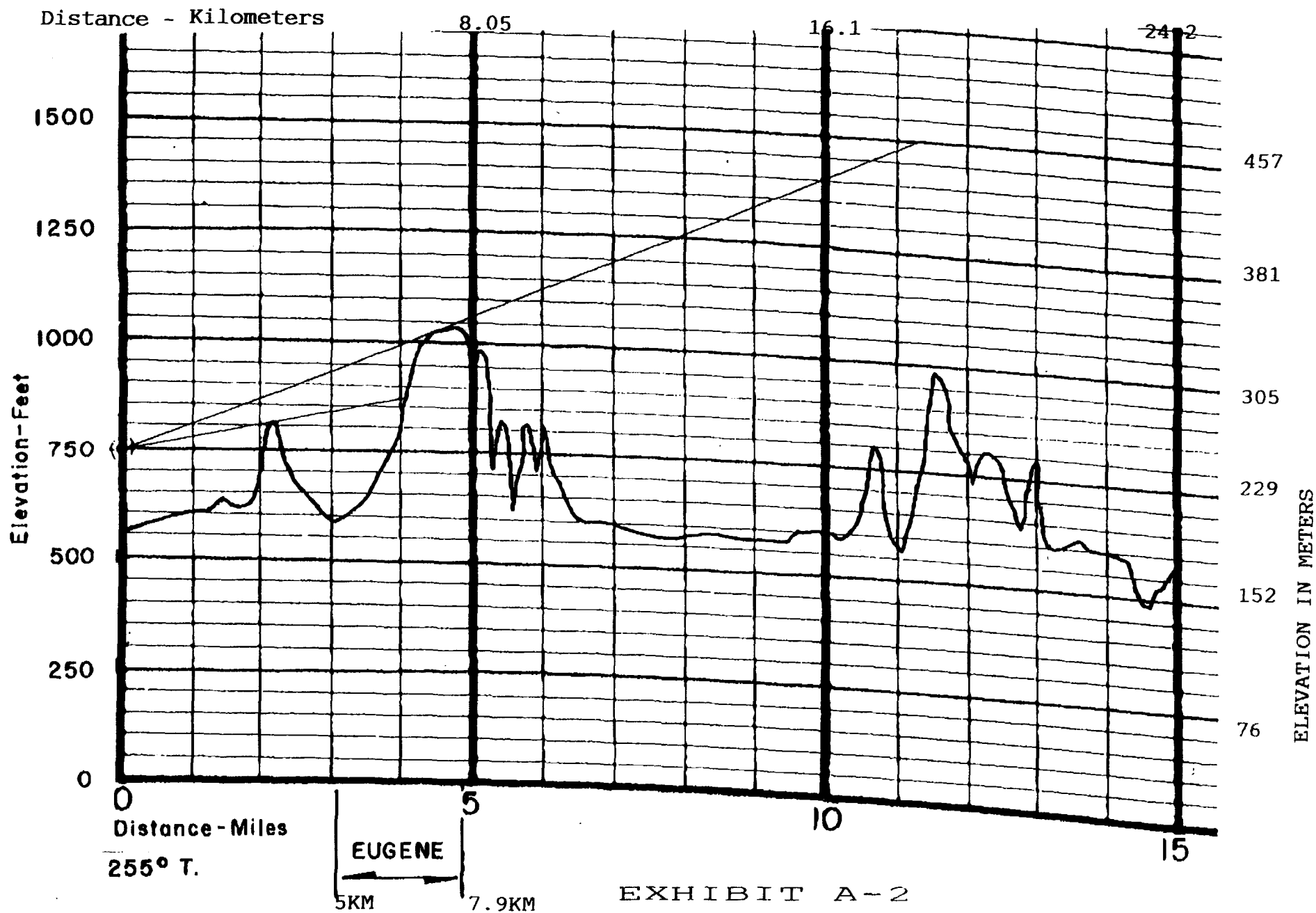


EXHIBIT A-2

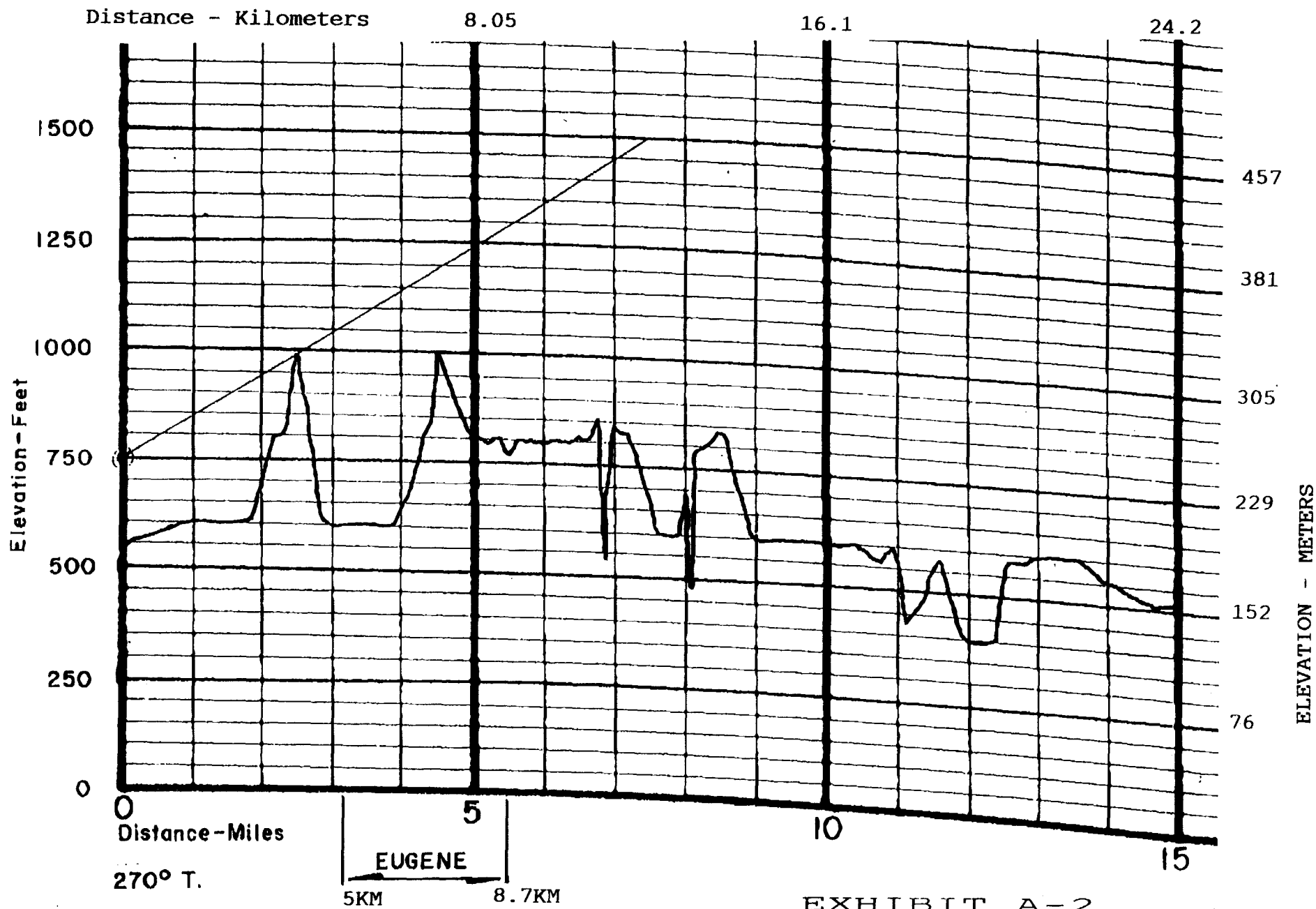


EXHIBIT A-2

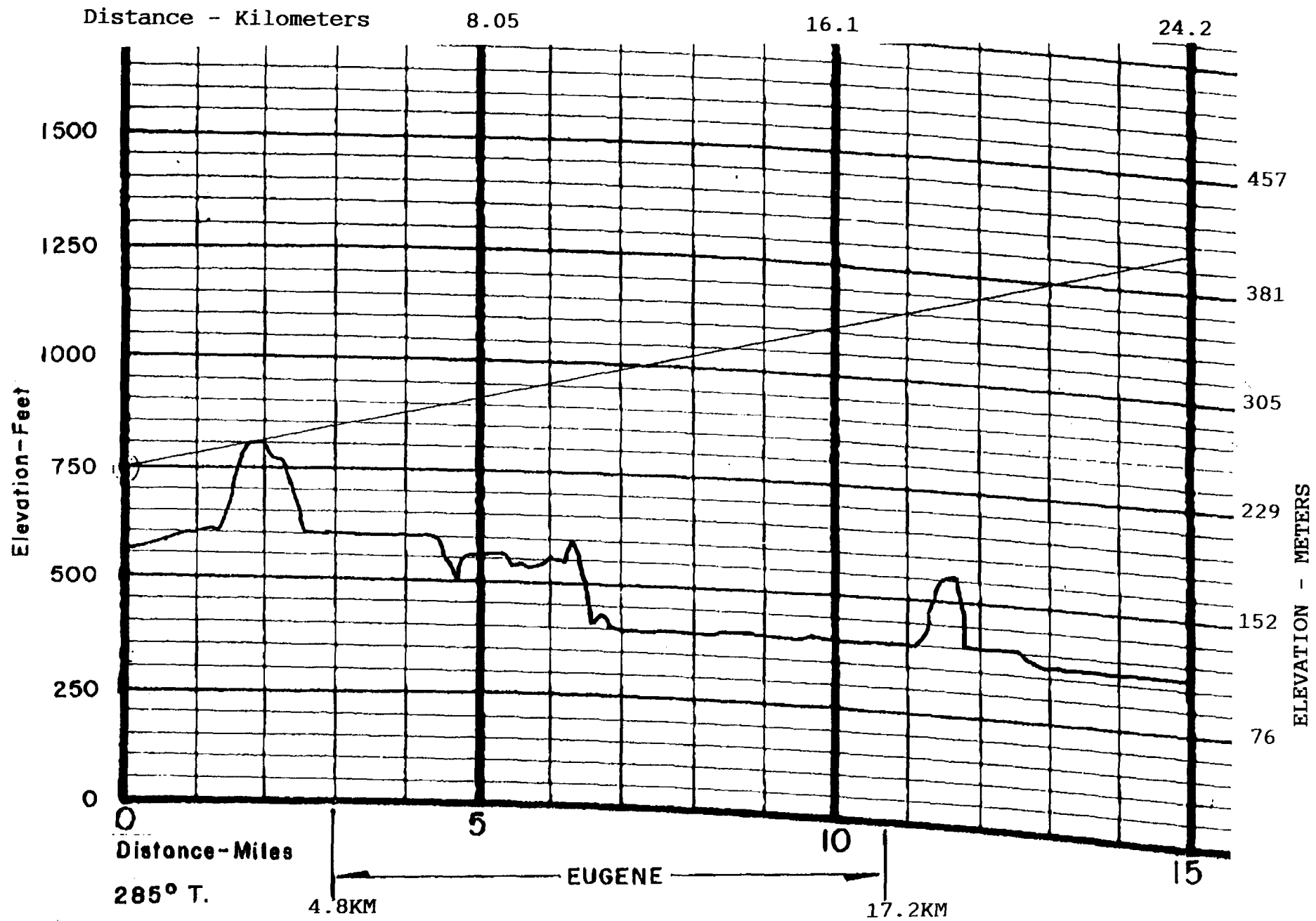


EXHIBIT A-2

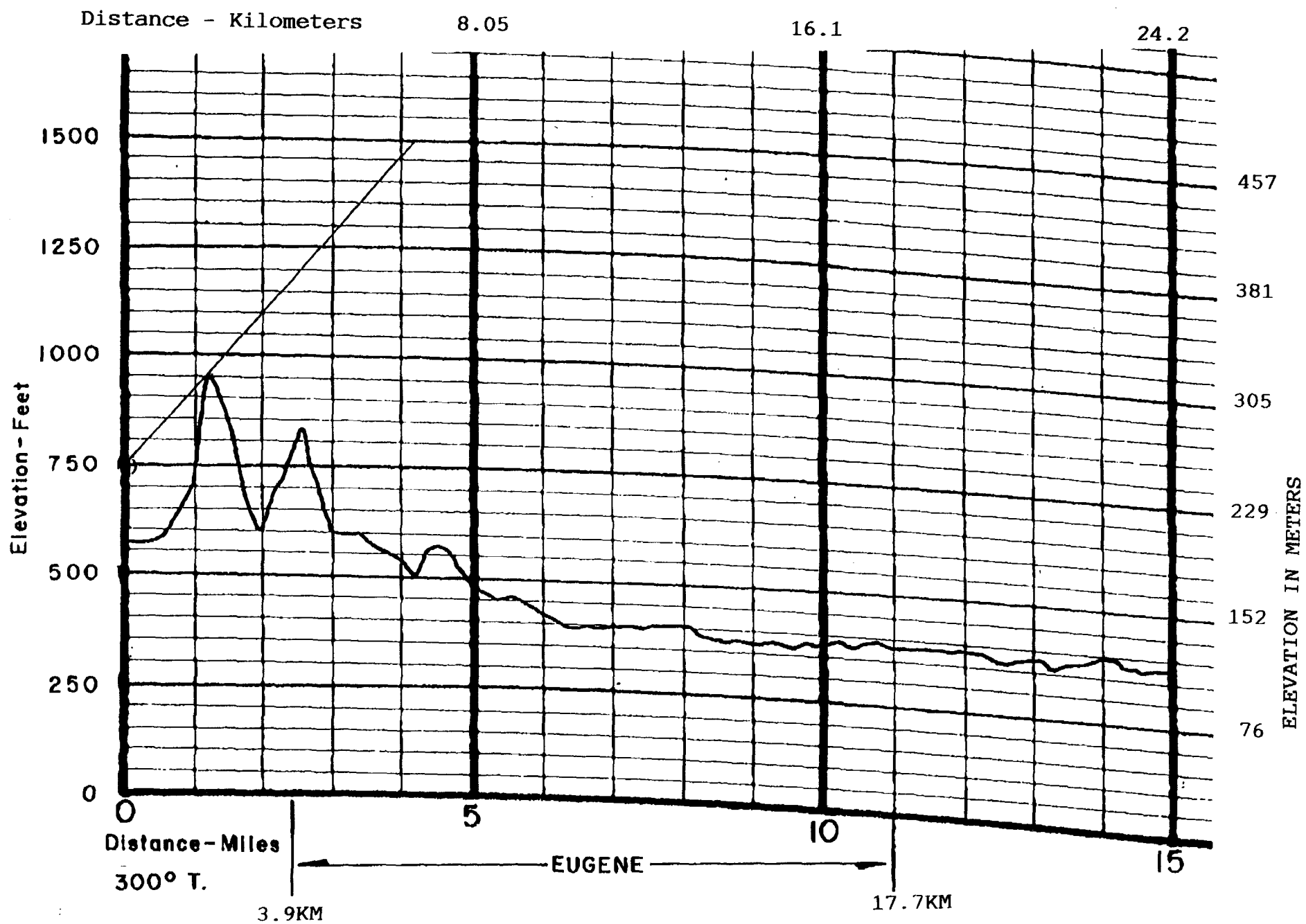


EXHIBIT A-2

Distance - Kilometers

8.05

16.1

24.2

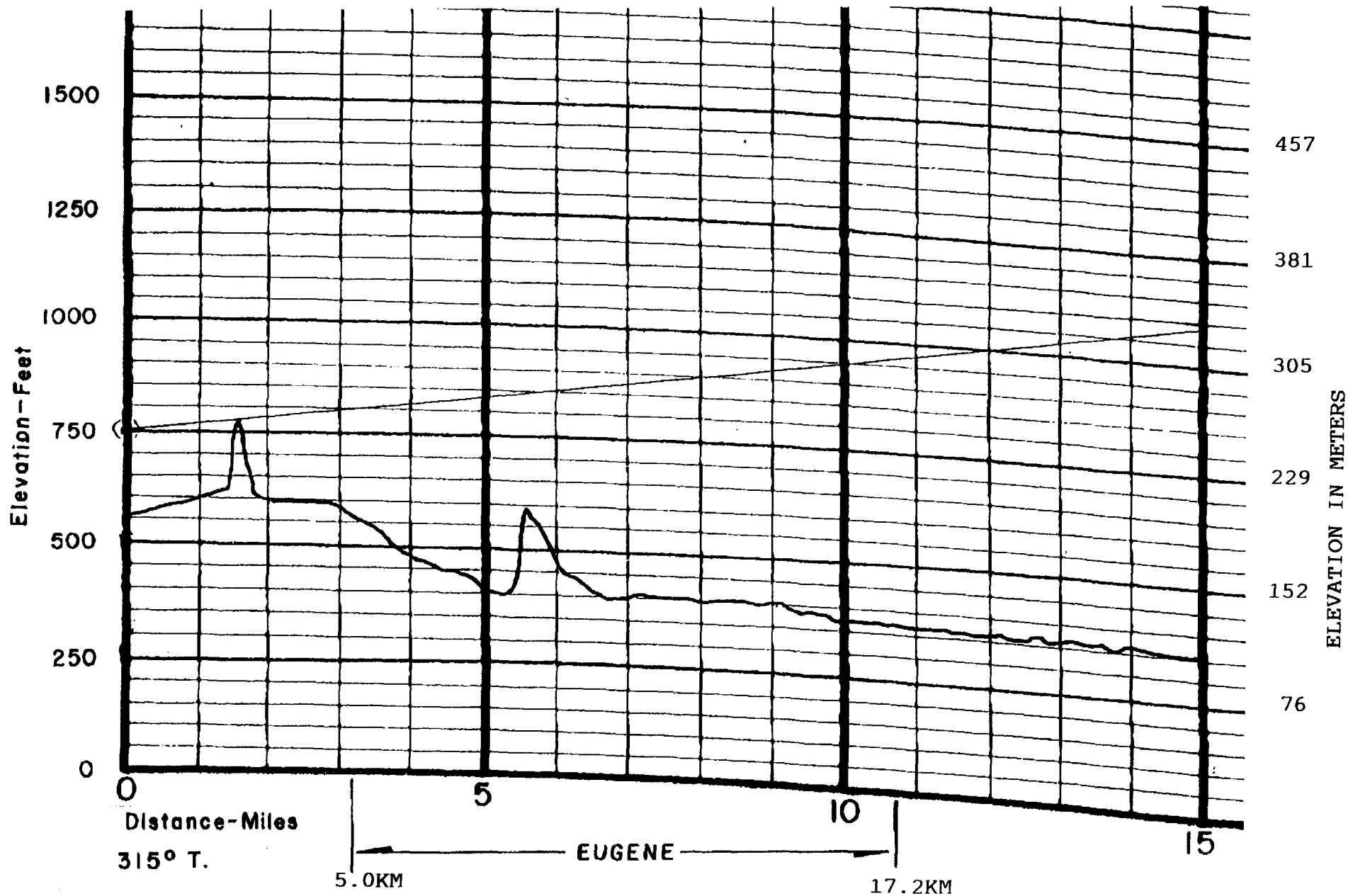
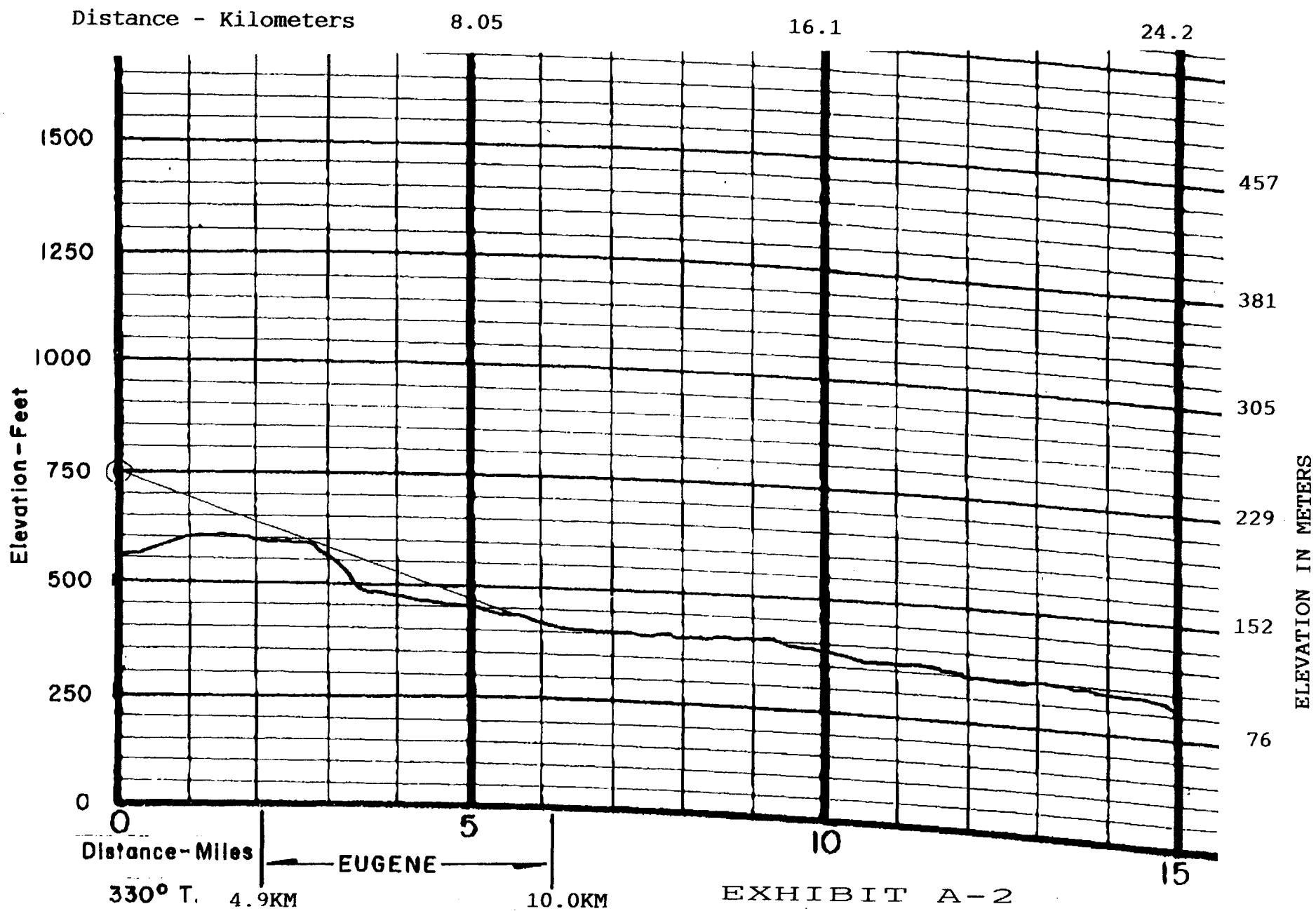


EXHIBIT A-2



# SALEM, OREGON

1960  
REVISED 1977

TOPOGRAPHIC-BATHYMETRIC

